

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 88 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KANTILAL V VAZA & OTHERS

Versus

LAKSHMANBHAI K NAKUM

Appearance:

MR PM THAKKAR for Appellants

MR DU SHAH for Respondent

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 16/09/97

ORAL JUDGEMENT

This appeal is directed against the order dated September 25, 1986, passed by the learned Civil Judge (S.D.), Amreli, granting interim injunction as prayed for by the respondent-plaintiff in Special Civil Suit No. 10 of 1986.

2. While issuing notice on the present appeal, this Court had initially passed the order for continuing

status quo. However, after hearing both the sides, this Court passed order dated February 10, 1988 rejecting the application. Hence, the interim injunction granted by the trial court has remained in operation since 1986. No ground is made out to vacate the said injunction after a passage of ten years, instead, it would be more appropriate to direct the trial court to hear and decide the suit at the earliest.

3. It is accordingly directed that the trial court shall hear and decide the suit as expeditiously as possible, and in any case, before January 31, 1998. It is clarified that this Court has not gone into the merits of the dispute between the parties and, therefore, the suit shall be decided in accordance with law without being influenced by the order passed by this Court.

4. The appeal is accordingly disposed of with no order as to costs.

Amp/-